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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/929,213	08/14/2001	Vinay B. Chikarmane	42390P10759	2139

7590 12/02/2005

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EXAMINER

PHASGE, ARUN S

ART UNIT	PAPER NUMBER
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1753

DATE MAILED: 12/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/929,213

Applicant(s)

CHIKARMANE ET AL.

Examiner

Arun S. Phasge

Art Unit

1753

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6, 9-22 and 24-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 9-22, 24-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-7, 9-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rozbicki in view of Applicant's admissions of prior art of record for reasons of record.

Claims 14, 20 and 21 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Rozbicki in view of the admitted prior art as applied to claims above, and further in view of Liu of record for reasons of record.

Claims 15, 17 and 19 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Rozbicki in view of the admitted prior art and further in view of Liu as applied to claims above, and further in view of Nogami of record for reasons of record.

Claims 16 and 18 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Rozbicki in view of admitted prior art and further in view of Liu and Nogami as applied to claims above, and further in view of Achuthan of record for reasons of record.

Claims 22, 28 and 30 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Liu in view of Rozbicki of record for reasons of record.

Claims 23, 24, 26 and 29 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Liu in view of Rozbicki as applied to claims above, and further in view of Nogami and Cohen of record for reasons of record.

Claims 25 and 27 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Liu in view of Rozbicki as applied to claims above, and further in view of Achuthan of record for reasons of record.

Response to Arguments

Applicant's arguments filed 11/2/05 have been fully considered but they are not persuasive.

Applicant argues that the while the claimed invention is within the capabilities of one skilled in the art is not sufficient by itself to establish a prima facie case of obvious without some objective reason to combine the teachings of the references (citing MPEP 2143.01).

Applicants argue that the admissions of prior nor the Rozbicki patent recite the period of time that the seed layer is exposed to a gas followed by cooling of the gas at a specified time to form the passivation layer.

The admitted prior art discloses that the temperatures and concentrations of the various gases used to treat the seed layer to form the passivation layer are known in the art (specification 0027). The "specified time period" would be encompassed by the disclosure, since any time period would fall into that limitation. Further the cooling of the gas would be obvious, since the temperatures for forming the passivation layer are said to be known in the art.

Further there is no disclosure in the specification that the "specified time period" provides any unexpected results, which would allow patentability to a modification of a result effective variable, such as the claimed time. Discovery of optimum value of result effective variable in known process is ordinarily within skill of art. *In re Boesch and Slaney* 205 USPQ 215. (CCPA 1980).

With regard to the combination of Liu in view of Rozbicki, applicant argues that the annealing and depositing occurs in the same plating tool, whereas in the prior art the substrate is transferred to a different plating system for deposition.

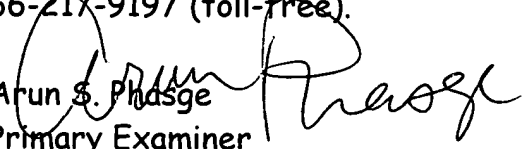
It has been well settled that such modification to make a system integral, where once they were separated, because such modification would have been within the skill of the ordinary artisan. See *In re Wolfe* 116 USPQ 443.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arun S. Phasge whose telephone number is (571) 272-1345. The examiner can normally be reached on MONDAY-THURSDAY, 7:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nam X. Nguyen can be reached on (571) 272-1342. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Arun S. Phasge
Primary Examiner
Art Unit 1753